

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION STUDENT- ATHLETE CONCUSSION INJURY LITIGATION THIS DOCUMENT RELATES TO:	MDL No. 2492 Judge John Z. Lee Magistrate Judge Brown
Walker, et al. v. National College Athletic Assoc.,	No. 1:13-cv-00293 (E.D. Tenn.)
Morgan, et al. v. National Collegiate Athletic Assoc.,	No. 1:13-cv-03174 (D. Minn.)

**WALKER AND MORGAN PLAINTIFFS' MOTION TO TEMPORARILY ENJOIN THE
ONGOING ARRINGTON MEDICAL MONITORING CLASS SETTLEMENT
NEGOTIATIONS WITH DEFENDANT NCAA**

Pursuant to Rule 23(a)(4) of the Federal Rules of Civil Procedure, Plaintiffs in the cases of *Walker, et al. v. NCAA*, 1:13-cv-00293 (E.D. Tennessee), and *Morgan, et al. v. NCAA*, 1:13-cv-03174 (D. Minn.), consolidated before this Court as part of MDL No. 2492, respectfully request that this Court temporarily enjoin the ongoing medical monitoring class settlement negotiations between Plaintiffs in *Arrington, et al. v. NCAA*, 1:11-cv-06356 (N.D. Ill.) and Defendant NCAA. *Walker* and *Morgan* Plaintiffs seek modification of the ongoing medical

monitoring class settlement negotiations to ensure that any negotiations are structured to fairly and adequately, and independently, represent the interests of former NCAA football players who played before 2004 and former NCAA football players who played in 32 states (all states *not* listed in the *Arrington* medical monitoring class certification motion (*Arrington*, Dkt. # 175 at p. 20; *see also Walker* and *Morgan* Memo. in Support of Motion to Temporarily Enjoin at p. 4-5)). Under Rule 23(a)(4) and *Amchem Prods., Inc., v. Windsor*, 521 U.S. 591, 627 (1997) and its progeny, the settlement negotiation process must have “structural assurances” for divergent interests of class members on fundamental issues. By not allowing for independent representation of former NCAA football players who played before 2004 and former NCAA football players who played in 32 states in its motion to certify a medical monitoring class, *Arrington* has failed to comply with these basic, fundamental Rule 23 requirements.

A memorandum in support of this Motion has been filed concurrently. *Walker* and *Morgan* Plaintiffs additionally have complied with this Court’s Motion Practice Case Management Procedures in that *Walker* counsel Richard S. Lewis informed counsel for all other parties in this matter on January 30, 2014 about this motion and inquired as to whether there were any objections. *Arrington* counsel Elizabeth A. Fegan responded on January 31, 2014 that *Arrington* Plaintiffs oppose this motion.

Dated: January 31, 2014

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 31st day of January, 2014, a true and correct copy of the above and foregoing was served by electronic mail upon all attorneys of record.

/s/ Richard S. Lewis